

## **REMARKS**

Claims 43-46 and 59-64 were pending in the application. By this paper, claims 43, 46, and 59-62 have been amended. Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

### **Claim Rejections - 35 U.S.C. §103**

Claims 43-45 and 59-64 have been rejected under 35 U.S.C. 103(a) as obvious over Kain, U.S. Patent No. 4,568,122 (Kain) in view of Corwin, U.S. Patent No. 5,620,233 (Corwin). Claim 46 has been rejected as obvious over Kain in view of Carnahan, U.S. Patent No. 6,474,735 (Carnahan). Reconsideration and withdrawal of the rejections are hereby respectfully solicited in view of the foregoing amendments and the following remarks.

Kain discloses a child booster seat for a vehicle that has shields 37 and 39 with so-called armrests 47 and 49. The shields are said to pivot or rotate laterally outward away from one another to permit entry to the seat and inward toward one another to secure a child in the seat and to act as a safety or restraining device. The so-called armrests 47 and 49 are located on the shields such that they are positioned in front of a child seated in the seat or booster. The shields slide forward along frame ends 29 and 31 to permit a larger child to sit in the seating area and yet be secured behind the shields. The so-called armrests slide forward in conjunction with the shields along the frame ends.

Kain does not disclose or suggest armrests positioned on the sides of the seating surface. Instead, *the armrests 47 and 49 of Kain are positioned in front of the seating surface*. Kain also does not disclose or suggest armrests that adjust vertically such that the majority of armrest movement is either generally perpendicular relative to, or toward and away from, the seating surface. Instead, the Kain armrests move substantially fore and aft relative to the seating surface or generally in a direction parallel to the seating surface. This is necessary for the shields and armrests to provide that safety restraint function and yet adjust to fit different sized children.

Corwin discloses a typical office chair with armrests on the sides of the seating surface. The armrests vertically and slidably adjust relative to the seating surface. The adjustment is via a flexible finger with a ratchet dog 46 that can seat in a selected one of a plurality of recesses or recess means 48. Carnahan discloses a child seat with cam-shaped armrests that rotate about a

horizontal axis via a push button release. The armrests in Carnahan can provide two different armrest heights relative to the seating surface.

Modifying the teachings of Kain according to the teachings of either of the Corwin or Carnahan references does not render the rejected claims obvious. Either the reference combinations fail to teach or suggest all of the limitations of the claims as presented herein or the reference combinations destroy the express teachings of Kain.

#### Claims 43-45

Claims 43-45 have been rejected as obvious over Kain and Corwin. Claim 43 recites an armrest connected to the base on a side of the seating surface *and positioned on a side of the seating surface*. The Kain armrests are positioned in front of the seat as part of the safety restraints or shields, not on the sides of the seating surface. Thus, Kain fails to teach or suggest an armrest positioned on a side of the seating surface as recited in claim 43.

The action proposes modifying the shield and armrest system of the vehicle booster seat in Kain by employing the ratcheting mechanism of the Corwin office chair.<sup>1</sup> Adding only the ratcheting mechanism of Corwin fails to remedy the fact that the Kain armrests are *in front of the seat*, not on the sides of the seating surface. Such a combination thus fails to teach or suggest all of the limitations of amended claim 43. Further modifying Kain by replacing the front mounted armrests 47 and 49 with the side mounted armrests in Corwin would destroy the express teachings of Kain. Specifically, Kain teaches armrests 47 and 49 as part of the shields 37 and 39, which perform the safety restraint function, which is the critical component of Kain. Combining the teachings in this manner would be improper. Simply adding the side armrests of Corwin to the existing armrests of Kain would render the Kain armrests redundant. The references provide no suggestion or motivation to provide the Kain seat with secondary adjustable side mounted armrests in combination with the existing armrests 47 and 49 positioned in front of the Kain seat.

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<sup>1</sup> We ignore herein the fact that one having ordinary skill in the art of vehicle safety seats for children would find no motivation or suggestion in the prior art to modify the Kain vehicle booster seat according to the teachings of Corwin, which is directed to an ordinary office chair. Conventional office furniture and vehicle safety seats are simply not analogous to one another.

The rejection of claim 43 and dependent claims 44 and 45 should be withdrawn in view of the foregoing amendments and remarks.

#### Claim 46

Claim 46 has been rejected as obvious over Kain and Carnahan. Similar to claim 43, claim 46 also recites an armrest connected to the base on a side of the seating surface and positioned on the side of the seating surface. As noted above, the Kain armrests are in front of the seat, not on the sides. Claim 46 further recites that the armrest is adjustable along a straight line between a first height position relative to the seating surface and a second height position relative to the seating surface. Carnahan discloses armrests that are positioned on the sides of the car seat, but that adjust by rotation around an axis, not by movement in a straight line.

The action proposes modifying the Kain armrests by employing the push button of Carnahan. Doing so again fails to remedy the fact that the Kain armrests are *in front of the seat* and not on the sides. Such a combination thus fails to teach or suggest all of the limitations of amended claim 43. Further modifying Kain by completely replacing the front mounted armrests 47 and 49 with the side mounted armrests in Carnahan would destroy the express teachings of Kain, which discloses the armrests 47 and 49 as part of the safety restraint shields 37 and 39. Combining the teachings in this manner would be improper. Additionally, such a modified seat would then have armrests that adjust by rotation about an axis, as taught by Carnahan, instead of by movement in a straight line, as recited in claim 46. Also, as with claim 43, there is no motivation or suggestion in the art to simply add the side armrests of Carnahan to the existing armrests of Kain, which would render the Kain armrests redundant.

The rejection of claim 46 should be withdrawn in view of the foregoing.

#### Claims 59-64

Claims 59-64 have each been rejected as obvious over Kain and Corwin. Claim 59 recites an armrest that is adjustable along a straight line between first and second height positions and *wherein a majority of movement of the armrest between the first and second height positions is vertically toward and away from the seating surface*. Claim 60 similarly recites that the armrest is adjustable along a straight line *in a vertical direction generally perpendicular to the seating surface*. Claim 61 also similarly recites that the armrest is adjustable in a vertical

direction and *wherein armrest movement is substantially upward and downward relative to the seating surface*. Claim 62 also similarly recites that the armrest *is adjustable between first and second positions substantially toward and away from the seating surface*.

Thus, each of claims 59-62 recites in some form that the armrest primarily moves in a direction up and down or vertically relative to the seating surface. In contrast to each of these claims, Kain discloses armrests that primarily or substantially move in a fore and aft direction relative to the seating surface in order to fit different sized children within its safety restraint shield and armrest configuration. The armrests in Kain are part of the shields 37 and 39 and there appears to be a slight vertical component to the movement of the shields and armrests. However, the vast majority of movement of the Kain armrests is generally fore and aft or nearly parallel relative to the seating surface. If the armrests 47 and 49 in Kain did not move in such a manner, the shields would not be capable of providing the restraining function in conjunction with the function of accommodating different sized children.

Modifying Kain to employ only the ratcheting mechanisms of Corwin fails to remedy the fact that the Kain armrests move primarily in a fore and aft direction and not primarily or substantially in an up and down or vertical direction relative to the seating surface. Such a combination thus fails to teach or suggest all of the limitations of amended claim 43. Further modifying Kain by making the armrests move vertically according to Corwin instead of fore and aft would destroy the express teachings of Kain. Specifically, the Kain armrests 47 and 49 and shields 37 and 39 are positioned in front of the seat in order to adequately perform their critical child safety restraint function. The shields and armrests also slide primarily fore and aft in order to permit different sized children to sit in the seat and yet benefit from this safety function. Having the armrests 47 and 49 of Kain move primarily upward and downward instead of primarily fore and aft would destroy this feature combination expressly taught by Kain. Combining the teachings in this manner would thus be improper. In addition, simply adding the vertically adjustable armrests of Corwin to the existing horizontally adjustable armrests of Kain would render the Kain armrests redundant. The references do not provide any suggestion or motivation to modify the Kain seat to include redundant, secondary adjustable armrests in combination with the existing armrests 47 and 49 positioned in front of the Kain seat.

Claims 62 and 63 also recite the limitation noted above with respect to claims 43 and 46 that the *armrest is also positioned on the side of the seating surface*. The arguments presented above with respect to claims 43 and 46 are thus also equally applicable to claims 62 and 63.

The rejection of claims 59-62 and dependent claims 63 and 64 should be withdrawn in view of the foregoing.


### **CONCLUSION**

Reconsideration and withdrawal of the rejections are respectfully solicited based on the amendments and remarks presented herein. Claims 43-46 and 59-64 are believed to be in condition for allowance.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

No fee is believed due at this time.

Respectfully submitted,

  
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